D.B. CIVIL SPECIAL APPEAL (W)NO. 501/2006
(M/s Mahaveer Prasad Rajendra Kumar Vs. RIICO & Ors.)

Date of order : 24.7.2006

HON'BLE MR.RAJESH BALIA, J.
HON'BLE MR.GOPAL KRISHAN VYAS,J.

Mr. P.S. Bhati, for the appellant/s

Having heard learned counsel for the appellant, we do not find any merit in this appeal.

The appellant is an applicant for allotment of plot at Balotra Industrial Area, IIIrd phase published vide advertisement dated 23.5.2005. It was given out that 32 plots ad-measuring about 2000 Sq. Mtrs. each were available for allotment and whosoever seeking allotment may make an application by depositing 25% of reserve price at which the plots are to be allotted. The reserve price was stated to be Rs.250/- per Sq. Mtr. However, manner and mode of considering the applications received were not detailed in the advertisement dated 23.5.2005 nor the date was stated in advertisement when the allotment should actually take place. Apparently, many details were wanting in this advertisement.

On 25.5.2005 i.e. two days after the first advertisement,another advertisement was issued in continuation of first one stating that the

applications received in pursuance of the advertisement dated 23.5.2005 shall be considered for allotment at 11.00 a.m. in the hall of Balotra Small Scale Industries Board requesting all applicants to be present at the allotment time. The advertisement did state that any allottee who is allotted corner plot, he shall pay additional price. How much additional price was to be charged was not stated. The allotment was to be made by drawing of lots and the rules relating to the allotment of Industrial land shall be applicable.

This advertisement was followed with notice dated 28.5.2005. The earlier notice dated 28.5.2005, by which the allotment of 32 plots were advertised, was withdrawn and it was given out that allotment will take in pursuance of notice dated 28.5.2005, it was stated that those industrialists who are desirous of getting allotment may make application by 3.30 p.m. on 1.6.2005 by depositing 25% of reserve price plus 1% security deposit. It also stated that those who had made an application in pursuance of advertisement dated 23.5.2005 need not apply afresh. The applications received by 23.5.2005 and upto 1.6.2005 at 3.00 p.m. both were to be considered for allotment at the same venue through lottery. It also clarified that those applicants who will be allotted corner plot shall have to pay 10% additional price and also that the one applicant/ establishment/ firm shall be

allotted only one plot.

This third notice dated 28.5.2005 has been challenged by filing S.B. Civil Writ Petition No. 3376/2005, which has been dismissed by the learned Single Judge stating that the petitioner has not shown any legal right existing in his favour to allotment of land and in the applications pending before the Rajasthan State Industrial Development and Investment Corporation Limited (for short 'RIICO'). Hence this appeal.

We are of the opinion that the learned Single Judge was right in holding that the petitioner has failed to disclose any right which has been infringed to invoke extra-ordinary jurisdiction nor the action of the respondent RIICO appears to be arbitrary, unjust or contrary to any established practice so as to warrant interference by this Court in extra-ordinary jurisdiction. The successive notifications do not lay down any additional conditions but has only detailed the conditions which have not been furnished in the previous notification. Merely because the applicants have been allowed to participate upto 1.6.2005 cannot be said to malafide exercise of power. The authorities could otherwise have extended time for receiving application for allotment of industrial plots in pursuance of advertisement dated 23.5.2005. The real object behind issuing advertisement dated

28.5.2005 appears to be to require deposit of security amount by the applicants and to restrict allotment to single plot to any single entity.

Therefore, the appeal fails and is hereby dismissed in limine.

(GOPAL KRISHAN VYAS),J. (RAJESH BALIA),J.

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